

HISTORIC PRESERVATION PERMIT

FILE NO.	HP19-007
LOCATION OF PROPERTY	East side of South First street, approximately 270 feet south of East Santa Clara street. (34-36 South First Street)
ZONING DISTRICT	DC Downtown Primary Commercial
GENERAL PLAN DESIGNATION	Downtown
PROPOSED DESCRIPTION	Historic Preservation Permit to allow the reuse and rehabilitation of the Knox Goodrich building on an approximately 0.05-gross acre lot.
ENVIRONMENTAL STATUS	Addendum to the Downtown Strategy 2040 Final Environmental Impact Report (Resolution No. 78942)
HISTORIC SITE DESIGNATION	City Landmark Structure No. HL92-75, Knox-Goodrich Building and Downtown Commercial National Register Historic District
APPLICANT/ADDRESS	Urban Catalyst Attn: Tim Woloshyn 99 South Almaden Avenue San José, CA 95113
OWNER/ADDRESS	UC Fountain Alley Owner LLC 99 South Almaden Avenue San José, CA 95113

FACTS AND FINDINGS

The Director of Planning, Building, and Code Enforcement finds that the following are the relevant facts and findings regarding this proposed project:

1. **Project Description.** The subject Historic Preservation Permit (HP Permit) to review the proposed rehabilitation and adaptive reuse of the Knox-Goodrich City Landmark Building in the DC Downtown Primary Commercial Zoning District. The project would adaptively reuse the ground floor of the Knox-Goodrich building as the main entrance to the new mixed-use building (see discussion further below), internally connecting the buildings through an eight-foot wide interior passage on the northern side of the Knox-Goodrich Building's ground floor. A building seismic separation is proposed between the Knox-Goodrich building and the new mixed-use building. A new single-door opening at the back (east) of the building will enable sharing a corridor, utility room, and trash room with the new mixed-use building. The new openings will be protected with a fire and smoke rated curtain for the lobby connection and a fire rated door for

the back door connection. The interior ground floor of the City Landmark Building will be renovated, however all original features, including the stairs will be preserved. The project would maintain the exposed historic brick wall along the northern lobby wall and proposes to incorporate art displays commemorating the building's history along the lobby wall. No modifications are proposed to levels two or three of the Knox-Goodrich Building and the majority of exterior façade of the building will be preserved. The lower storefront will be replaced with a metal awning and frameless glass doors.

The project also involves a Site Development Permit and Tentative Map for the demolition of a 5,780-square foot building (formerly Lido's Nightclub, 30 S. First Street), removal of an adjacent surface parking lot (26 S. First Street), and the construction of a 6-story, mixed-use building with commercial and office uses and a rooftop bar on a 0.34-gross acre site. Conformance with all conditions in the associated Site Development Permit is a requirement of this HP permit.

2. **Site Description and Surrounding Uses.** The subject 0.05-gross acre site is located on east side of South First Street, approximately 270 feet south of East Santa Clara Street. Commercial uses are located to the south and west of the site, east of the site is a parking lot, and north of the site is the Lido Building (to be redeveloped under the concurrent Site Development Permit H19-041), the Fountain Alley walkway, and Bank of Italy.

3. **Historic Resources Description.**

- a. **Downtown Commercial National Historic District, National Register District:** The project site is on the western edge of the Downtown Commercial National Register Historic District and is surrounded by properties in the City's Historic Resource Inventory, some of which are City designated landmarks, including the Bank of America Building and historic Fountain Alley to the north and the Knox-Goodrich Building on-site. The Historic District is comprised of 45 properties, 27 of which are contributing structures to the Historic District. The buildings date from the 1870s to the early 1940s and represent the downtown commercial structures from the late nineteenth and early twentieth centuries.
- b. **Knox-Goodrich Building, City Landmark:** The Knox-Goodrich building was designated as a City Landmark by the City on August 21, 1990 under Resolution No. 62435 of the San Jose City Council. The Knox-Goodrich Building was also found to be individually eligible for the National Register and the California Register under Criterion A/1 (Events), Criterion B/2 (Persons), and Criterion C/3 (Architecture).

The period of significance under Criterion A/1 is 1889, corresponding to the building's year of completion. The Knox-Goodrich Building was among several architect-designed commercial buildings constructed in San José's Downtown Commercial District, between 1870 and the 1940s. The pattern of commercial development in the downtown during the late 19th century saw the immediate blocks surrounding the intersection of First and Santa Clara Streets emerge as the center of commercial activity, with several prominent commercial blocks and smaller scale commercial structures, including the Knox-Goodrich Building, forming the fabric of the district. Architecturally distinct, the subject building holds individual importance within the pattern of commercial downtown development in San Jose as it was commissioned by a prominent citizen and owner, Sarah Knox-Goodrich, and is reflective of the application of emerging, popular architectural styles to commercial buildings during the

late 19th century. Along with several buildings located along S. First Street built in the 1890s, the Knox-Goodrich building is associated with the introduction of Romanesque Revival style architecture to the San José's downtown, and remains one of the few examples of the style in the City. Although no specific events of singular historic importance are known to have occurred within the building, the Knox- Goodrich Building is strongly associated with the growth of San Jose's historic, downtown core, and continues to represent that pattern.

The period of significance under Criterion B/2 is 1889-1903, corresponding to the years Sarah Knox-Goodrich owned the building. Commissioned by Sarah Knox-Goodrich and completed in 1889, the subject building was built on property Knox-Goodrich inherited from her late first husband, Dr. William James Knox, incorporating stone quarried from a quarry Knox-Goodrich's second husband, architect Levi Goodrich willed to her upon his death in 1887.

Although the Knox-Goodrich Building was constructed after Sarah Knox-Goodrich began her significant advocacy for women's rights, including women's suffrage, and is not documented as a location of meetings or other events such as protests led by Knox-Goodrich, it appears to be the only extant building with association to Knox-Goodrich's life and career, particularly as Knox-Goodrich's personal residence is no longer extant.

The period of significance under Criterion C/3 is 1889, corresponding to the building's year of completion. The subject building was completed in 1889, with design by prominent San Jose-based architect George W. Page. The building provides an excellent and rare local example of the application of the Romanesque Revival style to a brick masonry commercial building typology. In particular, the building is individually distinct in its local setting for its application of sandstone sourced from a quarry owned in 1889 by Sarah Knox-Goodrich. Rusticated masonry and decorative masonry are common elements of the Romanesque Revival style and are employed at the facade of the building.

4. **General Plan Conformance.** The project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Downtown, The Downtown land use designation supports office, retail, service, residential, and entertainment uses that enhance the "complete community" in Downtown. The designation supports increased transit ridership and promotes bicycle circulation. The Downtown General Plan designation allows a maximum Floor Area Ratio (FAR) of 30.0 and supports redevelopment at very high intensities unless there are major incompatibilities with other major policies within the General Plan (such as Historic Preservation Policies).

Analysis: The HP Permit and associated Site Development Permit project (H19-041) are consistent with the uses and FAR supported by the Envision San José 2040 General Plan's Downtown land use designation. The adaptive reuse of the Knox-Goodrich building and new six-story mixed use building (under the concurrent Site Development Permit) would augment the available office, restaurant, and commercial/retail space in the historic district and Downtown San José. As discussed in more detail below, the project is consistent with Historic Preservation Goals and Policies of the General Plan, while supporting new development in the area.

Additionally, the proposed project promotes the following goals and policies of the General Plan:

General Land Use Goal LU-3 - Downtown: Strengthen Downtown as a regional job, entertainment, and cultural destination and as the symbolic heart of San José.

Analysis: The project would contribute to Downtown's vibrancy as a cultural destination by rehabilitating and activating the Knox-Goodrich City Landmark.

Historic Preservation Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

Historic Preservation Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Historic Preservation Policy LU-13.3: For Landmark structures located within new development areas, incorporate the landmark structure within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past and make more attractive employment, shopping and residential areas.

Historic Preservation Policy LU13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council..

Analysis: The HP Permit project facilitates the rehabilitation and adaptive reuse of the Knox-Goodrich Building, a City Landmark. The Knox-Goodrich Building would serve as the main entrance and lobby to the new infill building (under the concurrent Site Development Permit) providing a physical connection to the past while enhancing the historic context and attractiveness of the project overall. The project, would preserve the City Landmark and its uses would be compatible with the uses of the commercial historic district. As detailed below, the HP Permit adaptive reuse and rehabilitation was found in conformance with the Secretary of Interior Standards for the Treatment of Historic Properties.

5. **Municipal Code and Historic Preservation Ordinance.** The purpose of The Historic Preservation Ordinance, Section 13.48.010, is to promote the public peace, health, safety, and welfare through the preservation of landmarks and districts. The Historic Preservation Ordinance states that no person shall perform any work on a City Landmark or structure located in a historic district except pursuant to, and in compliance with, the terms and conditions of a Historic Preservation (HP) permit. "Work" shall include construction, reconstruction, alteration, rehabilitation, restoration, demolition, removal, or relocation of any structure or portion thereof.

In taking action on an application for a HP Permit, the Director of Planning shall consider:

- a. The comments of the Historic Landmarks Commission;
- b. The purposes of the Historic Preservation Ordinance, including the preservation of historic landmarks and historic districts, and compatible design of new construction (Municipal Code Section 13.48.010);
- c. The historic architectural value and significance of the landmark or district;

- d. The texture and materials of the building in question, and the relationship of such features to similar features of other buildings within an historic district;
- e. The position of such buildings within an historic district;
- f. The position of such buildings in relation to the public right-of-way and other buildings on the site.

The Director, or Council on appeal, shall find that, subject to such conditions as they may impose, the work will not be detrimental to an historic district or to a structure or feature of significant architectural, cultural, historical, aesthetic, or engineering interest or value, and is consistent with the spirit and purposes of the Historic Preservation Ordinance. Furthermore, Section 13.48.250 states that in making the determination, the application shall be reviewed in accordance with the approved standards and guidelines.

Analysis: The proposed project would protect the City's cultural and aesthetic heritage by implementing a preservation plan to appropriately treat the Knox-Goodrich Building. As outlined below in the analysis against the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the project is in substantial conformance with the review criteria. Therefore, the project would be consistent with the purpose of the Historic Preservation Ordinance.

In addition, the proposed project would be consistent with the development standards and other applicable provisions of the Zoning Ordinance.

6. **Secretary of the Interior's Standards for Rehabilitation.** This Historic Preservation Permit was reviewed in conformance with the Secretary of the Interior's Standards for Rehabilitation. The Secretary of the Interior's Standards are neither technical nor prescriptive but are intended to promote responsible preservation practices that help protect irreplaceable cultural resources. The Standards applied to this project are those for Rehabilitation. Standard 7 for chemical treatments and Standard 8 for archeological resources would not be applicable to this project. The project does not meet the all of the applicable Standards, as summarized below.

- a. Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

Analysis: The Knox-Goodrich Building will be used for commercial purposes; therefore, the proposed use is compatible with the Knox-Goodrich Building and the historic district. The use will require minor alterations to the building's distinctive materials, features, and spatial relationships in order to accommodate use as a commercial building. The proposed openings at the ground level will modify the first-floor layout; however, the building had already received interior alterations in the 1960s and 1980s that modified the interior space. These openings will not be visible from street and will not affect the appearance of the Knox-Goodrich Building from South First Street. The TreanorHL review found the project to be fully compliant since the character-defining features – two-story-over-basement height, rectangular plan, rusticated stone, pedimented parapet, stone ornamentation, symmetrical fenestration and light well - of the Knox-Goodrich Building will be preserved; the new openings are on the secondary elevations and will not impact the primary, publicly visible façade; and the building has been always be used for commercial purposes and will continue to serve a commercial purpose. Overall, the proposed project relating to the Knox-Goodrich Building is compliant with Standard 1.

- b. Standard 2: The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

Analysis: The project's new ground floor openings on the northern and eastern facades will result in the removal of small portions of the original perimeter brick wall. These sections of the façade adjoin the existing Lido building and the removal of the small amount would not negatively impact the historic character of the Knox-Goodrich building. The original form of the feature will still be apparent despite the partial removal. Additionally, the majority of the brick wall would be retained. Therefore, the project would meet this Standard 2.

- c. Standard 3: Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Analysis: There are no proposed changes that would be mistaken for original features. The proposed storefront replacing the 1988 alteration on the Knox-Goodrich building, would be contemporary in design and easily distinguishable from the historic elements of the building. The design is simple and does not distract or overwhelm the existing character of the building's façade. The project would meet this Standard 3.

- d. Standard 4: Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Analysis: The 1988 storefront alterations and interior alterations to the Knox-Goodrich building, which are proposed for alteration, have not acquired historic significance. As proposed, the project would meet Standard 4.

- e. Standard 5: Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Analysis: The existing character-defining features of the Knox-Goodrich Building, including its overall height and massing, rusticated sandstone exterior, pedimented parapet, front façade ornamentation and masonry details, original symmetrical fenestration and wood-sash windows, interior wood staircase and lightwell, and majority of its brick cladding, will be preserved. Therefore, the proposed project is compliant with Standard 5.

- f. Standard 6: Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Analysis: The proposed project does not include replacement or repair of any historic features. The existing storefront was installed in 1988 and will be replaced with a contemporary design that includes a glazed storefront with a pair of double doors. The proposed storefront is consistent with recommendations in the Downtown San José Historic District Design Guidelines including high ceilings, transparency, a central recessed entry, transom windows and display windows. As proposed, the project is compliant with Standard 6.

- g. Standard 7: Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Analysis: The proposed project does not involve any chemical or physical treatments to the existing historic resource. The project includes cleaning the exterior of the structure to remove dirt and soiling that has accumulated over the years. The gentlest means possible should be used to clean the stone façade. A condition of approval is proposed in accordance with the Condition Assessment section of the TrenorHL preservation plan for recommendations on cleaning and requiring the gentlest means of cleaning possible. Therefore, the project will be compliant with Standard 7.

- h. Standard 8: Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Analysis: No excavation is proposed at the Knox-Goodrich Building, but the proposed construction of the adjacent building under File No. H19-041, would require excavation. If any prehistoric or archeological resources be encountered during the course of the project, a professional archeologist should be contacted, the resources documented, and standard archaeological monitoring should occur. The adjacent project, will be required through the Site Development Permit, to implement Standard Permit Conditions to reduce and avoid any impacts to identified archaeological resources. Therefore, the project will meet this Standard.

- i. Standard 9: New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Analysis: The overall proposed project includes additions and alterations on the first floor of the Knox-Goodrich Building as well as demolition of an adjacent building (adjoined by a common wall and not within the scope of this report). Two openings at the perimeter brick wall will be created to provide access to the adjacent new building. The measures to be taken to ensure structural safety of the historic building during demolition of the adjacent building (Lido Building), partial removal of the brick wall (for proposed openings), and the installation of a building separation to enable movement in a seismic event are not clear in the HP Permit drawings. This aspect of the project is of the utmost importance as it needs to be completed with proper care and methods to ensure the Knox-Goodrich Building is not damaged.

TreanorHL reviewed the 25% Construction Documents completed by Brick (dated April 2020) which provide details for connection between the existing and new building. The openings will be supported by HSS beams. A steel surround plate and a seismic joint cover will be attached to the brick wall around the openings. TreanorHL recommends all anchorage for the attachment of the seismic joint cover be located at a masonry joint, not on a brick.

The proposed storefront and the canopy at the Knox-Goodrich Building will be differentiated from the old in its materials and detailing. The new storefront glazing system will be set back approximately 3 feet from the face of the building. The storefront will be installed into areas of exposed brick and will not attach to the stone. Anchors and attachments should be installed at masonry joints when possible. Two adjacent double doors with sidelights and transoms will be centered on the façade (Sheets A3.01 and A4.01). The canopy will feature a sheet of laminate glass with a steel C-channel frame and metal louvers below. It will be carried by cable rod

supports. The canopy will be installed below the non-original transom windows and appears to have a single attachment to the non-original stone at exterior walls at each side. Anchors and attachments should be installed at masonry joints when possible. Based on observation of the project site, review of the most recent project drawings, and evaluation of additions and alterations above, the proposed project compliant with Standard 9. Overall, the proposed project is compliant with Standard 9.

- j. **Standard 10:** New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Analysis: The new building will not affect any of the character-defining features of the Knox-Goodrich building. The project will remove a minor portion of the Knox-Goodrich building's perimeter brick wall to provide the internal connections to the new building. A seismic separation and the proposed building will be installed with an approximately 1-foot, 1-inch gap between the Knox-Goodrich Building and the new building. A metal flashing system will prevent water from entering the gap and the space will allow movement between the two structures should an earthquake occur in the future. The seismic connection will be made at masonry points rather than bricks, where possible. The new storefront will be attached to the non-original sandstone cladding at the front so as to not damage any character defining features of the Knox-Goodrich Building's façade.

At the Downtown San José Commercial Historic District scale, the Lido Building to be demolished does not contribute to the District and its loss would not impact the ability of the District as a whole to convey its significance. The project would meet Standard 10.

7. **Environmental Review.** The environmental impacts of this project were addressed by the Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 19, 2018. CEQA Guidelines §15164, states that, "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred. Pursuant to Section 15164, and as part of the entitlement processing for this project, an Addendum to the Downtown Strategy 2040 Final EIR is being prepared. The Addendum is available on the City's website at: www.sanjoseca.gov/activeeirs.

The Fountain Alley Commercial Development Addendum analyzed the project which consists of the Site Development Permit, Historic Preservation Permit, and Tentative Map to construct a 91,992-square foot six-story, mixed-use building consisting of 12,227 square feet of leasable retail and restaurant uses on the ground and rooftop levels, and 51,255 square feet of leasable office space on levels two through six. The project would preserve and renovate a 7,901-square foot City Landmark (Knox-Goodrich) building which would include approximately 2,966 square feet of leasable retail space on levels two and three of the building. The ground level of the Knox-Goodrich building would connect to the proposed new building and be used as the primary lobby entrance for both buildings. The type and intensity of development proposed is consistent with the anticipated development in Downtown Strategy 2040 FEIR.

The Downtown Strategy 2040 FEIR included the project site in the evaluation for the Downtown land use designation. This designation allows for office, retail, service, residential, and entertainment uses in the Downtown at very high intensities of up to 800 dwelling unit per acre and a floor-area-ratio of up to 30.0. The project conforms to the Downtown General Plan land use designation in that it proposes high-density residential and commercial uses, consistent with the Downtown Strategy 2040 FEIR.

As analyzed in Initial Study/Addendum, the project would comply with the Greenhouse Gas Reduction Strategy identified in the 2040 General Plan and would not result in greenhouse gas emission impacts beyond those identified in the General Plan EIR and SEIR.

No new or more significant environmental impacts beyond those identified in the Downtown Strategy EIR have been identified, nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIR been identified. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the EIRs. For these reasons, a supplemental or subsequent EIR is not required and an Addendum to the Downtown Strategy 2040 FEIR has been prepared for the proposed project.

8. **Historic Landmarks Commission Review.** On June 19, 2019, the Historic Landmarks Commission Design Review Subcommittee provided comment on the preliminary project application (PRE19-059). Design Review Subcommittee members were interested in the articulation between the edge of the new building and the historic structure, the coloration and materials, and the treatment of the roofline.

Historic Landmarks Commission Meeting Early Referral

On December 4, 2019, the applicant presented the project to the Historic Landmarks Commission for early referral and comments were received. The Preservation Action Council of San José (PAC*SJ), Andre Luthard, noted its overall support of the new building with some modifications. PAC*SJ noted positive changes made to the project since the initial proposal and commented that the height of the new infill building did not conform to the Design Guidelines and that step backs should be considered. PAC*SJ identified the historic advertisement sign on the façade of the Knox-Goodrich building and requested it be preserved. Finally, PAC*SJ noted would like to see a lobby commemoration of the O'Brien's Ice Cream Parlor and Candy Shop.

HLC Commissioners discussed the project and provided the following comments:

- a. Different thoughts on the compatibility of the mixed-use building's step down and the façade.
- b. Interest in commemorating the O'Brien's Ice Cream Parlor and Candy Shop.
- c. Recommendation to consider the family of material colors used in the surrounding area/District, emphasizing brick and terra cotta.
- d. Appreciation of the project's sensitivity to the historic context.
- e. Request for additional renderings or viewpoints of the building.
- f. Concern with the loss of the Lido Building, request salvage of building features and materials as much as possible.

Analysis: Since the project's HLC early referral in December 2019, the applicant has integrated HLC's comments to pay homage to the Knox-Goodrich Building's past uses. As shown in the project plans, the project will incorporate art displays along the lobby walls of the Knox-Goodrich Building which reflect the building's past use as a glove shop and the Lido Building's past use as a candy store. The ghost signage on the north exterior wall of the Knox-Goodrich Building and the Lido Building would be documented in print and digital photos prior to its covering and demolition, respectively. The project does include additional renderings of the buildings and are part of the HP Permit Plan Set. The materials and project color palette has evolved and now incorporates more brick and light-colored plaster and cladding, replacing the Corten steel previously shown.

An update to this draft permit will be provided after the Historic Landmarks Commission Hearing.

FINDINGS

The Director of Planning, Building and Code Enforcement concludes and finds, based on the analysis of the above facts, that:

1. The proposal is consistent with the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Downtown, and the Historic Preservation Goals promoting the preservation of historically significant structures and districts in order to promote a greater sense of awareness and community identity and to enhance the quality of urban living in that:

Analysis: The HP Permit and associated Site Development Permit project (H19-041) are consistent with the uses and FAR supported by the Envision San José 2040 General Plan's Downtown land use designation. The adaptive reuse of the Knox-Goodrich building and new six-story mixed use building proposes a FAR of 6.6 and would augment the available office, restaurant, and commercial/retail space in the historic district and Downtown San José. The HP Permit and Site Development Permit are consistent with Historic Preservation Goals and Policies of the General Plan, while supporting new development in the area.

The HP Permit is consistent with the Historic Preservation Goal and Historic Preservation Policies LU-13, LU-13.2, and LU-13.3, as described in further detail above. The project facilitates the rehabilitation and adaptive reuse of the Knox-Goodrich Building, a City Landmark. The Knox-Goodrich Building would serve as the main entrance and lobby to the new infill building providing a physical connection to the past while enhancing the historic context and attractiveness of the project overall. The project, would preserve the City Landmark and its uses would be compatible with the uses of the commercial historic district.

The HP Permit would permit the adaptive reuse and rehabilitation of the Knox-Goodrich Building which would promote the Historic District's identity. The HP Permit in conjunction with the Site Development Permit would incorporate the landmark structure with the new development as a means to create a sense of place, and provide a connection to the past.

2. The proposed relocation, rehabilitation, and site construction will not be detrimental to the historic structure and are consistent with the spirit and purposes of Chapter 13.48 of Title 13 of the San José Municipal Code in that:

Analysis: As noted above, Section 13.48.250 states that in making the determination on a HP Permit, the application shall be reviewed in accordance with the approved standards and guidelines. The HP Permit was analyzed against the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), as detailed above, and the project is in substantial conformance with the review criteria. Therefore, the project which includes the rehabilitation and adaptive reuse of the historic structure, would be consistent with the purpose of the Historic Preservation Ordinance.

3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

Analysis: The project, which involves the rehabilitation of the building, ground floor changes, and replacement of the storefront, is not anticipated to have any significant cumulative impact. The project occurs within an urbanized area and would not contribute any significant negative effects to the surrounding environment. As noted in Condition 7 of this permit, the project would be subject to all conditions listed below including the conditions of the Site Development Permit which include environmental standard permit conditions for dust control and noise and vibration reduction. The project was reviewed by the Public Works and Environmental Services Departments to ensure compliance with the City's stormwater runoff policies. Finally, the proposed adaptive reuse of the property would permit an office lobby connected to a future retail/office/restaurant development adjacent to the site. These commercial uses would not have unacceptable odor impacts to the adjacent properties.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Historic Preservation Permit. Furthermore, this Permit shall automatically expire four years from and after the date of issuance hereof by said Director if within such four-year period construction of buildings has not commenced, pursuant to and in accordance with the provisions of this permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years in accordance with Title 20. The Permit Amendment must be approved prior to the expiration of this Permit.

3. **Conformance with Plans.** Construction and development shall conform to the conditions in this Permit and the approved Historic Preservation Permit plans, entitled “Knox Goodrich Building, Historic Preservation Permit HP19-007” dated received July 24, 2020 (referred to herein as the “Approved Plans” or the “Approved Plan Set”), and the Trenor HL Preservation Plan dated Revised July 14, 2020, on file with the Department of Planning, Building, and Code Enforcement.
4. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
5. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
6. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.
7. **Conformance with Other Permits.** This permit shall only be implemented in conjunction with and in full compliance with all conditions contained in the associated Site Development Permit, file number H19-041.
8. **Knox-Goodrich Building Rehabilitation.** Prior to the issuance of a Certificate of Occupancy for the Project, the applicant shall complete the rehabilitation of the Knox-Goodrich Building, as outlined in the Treanor HL Preservation Plan. The project will be required to implement all elements of the Preservation Plan pertaining to the specific methodology for repairs and maintenance of the character-defining features of the structure.
9. **Knox-Goodrich Building Cleaning.** Prior to cleaning of the stone facades, the project applicant and construction team will be required to review the cleaning protocol in the National Park Service’s Technical Preservation Services, Brief 1, Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings and Technical Preservation Services, Brief 6, Dangers of Abrasive Cleaning to Historic Buildings and implement appropriate cleaning techniques.
10. **Anchorage.** All anchorage installed for the attachment of the seismic joint cover, storefront, and canopy shall be located at a masonry joint, when possible.
11. **Revocation, Suspension, Modification.** This Historic Preservation Permit may be revoked, suspended or modified by the Planning Director, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Historic Preservation Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or

- c. The use as presently conducted creates a nuisance.

APPROVED and issued on the **12th day of August, 2020.**

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

DRAFT